

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
CENTRAL DIVISION**

JANICE HARGROVE WARREN

PLAINTIFF

v.

No. 4:19-cv-00655-BSM

KEMP, et al.

DEFENDANTS

AFFIDAVIT OF ATTORNEY SARAH HOWARD JENKINS

COMES, now, affiant, Sarah Howard Jenkins, making this affidavit under oath and says:

1. I am the lead attorney in the above-captioned matter. After an extensive interview of Dr. Janice Warren and discussion of her relationship with PCSSD, including the facts surrounding her failure to be promoted to Superintendent in 2018, and a review of relevant documents, Dr. Janice Warren and I entered an attorney/client relationship by executing an Engagement Letter on July 31, 2019. As her attorney and subject to Dr. Warren's review, I developed the case strategy; drafted all pleadings filed before and during the February 14, 2022, trial; developed the discovery plan; developed and drafted all discovery tools; responded to all discovery propounded by the seven defendants; researched, drafted, and filed Dr. Warren's Response to the defendants' motions including the Motion for Summary Judgment on All Claims. As lead attorney, I interviewed and investigated the potential testimony of all witnesses; supervised the part-time legal assistants and law clerks assisting with this matter; developed the trial strategy including the order and appearance of witnesses. I conducted all depositions noticed by the plaintiff and prepared Dr. Warren for two depositions and defended both.

2. In June of 1965, I graduated from Dollarway High School. As the sole black high school student, I was not allowed to participate in the Honor Society but honestly believe that I graduated ranked as one of the top 3 students in my class. Thereafter, I attended Hanover College in Hanover, Indiana, and graduated with a B.A. in Speech & Drama in 1969. As a student at Hanover, I enjoyed membership in Mortar Board, the women's honorary; Theta Alpha Phi, the dramatic honorary; and Alpha Omicron Pi, a national social sorority. In May of 1970, I completed an M.A. in English & Theater Arts at the University of Kentucky, Lexington, Kentucky. I entered the University of Kentucky College of Law in August of 1979. At the end of the first semester, ranked 12th in my class, I was a grades candidate for the Kentucky Law Journal and gained admission upon completing my Comment. After declining the offer of Notes Editor, I served as a member of the Journal Staff until graduation in December 1982. In the First Year Oral Advocacy Moot Court Competition, Rutledge Club, I ranked first. As a second-year student, I chaired the SBA First Year Orientation.

3. As a law student, my long-term career goal was to become a law professor and teach Civil Procedure. To achieve that end, my Career Services Dean recommended that I practice law with a major firm then transition to the legal academy. Following his advice, I commenced my legal career in 1983 as an associate attorney with Lewis and Roca Lawyers, now Lewis Roca Rothgerber Christie LLP, in Phoenix, Arizona. As a member of the Commercial Litigation and Corporate Law Sections, I engaged in highway construction litigation, including membership on an appellate practice team, drafted motions, contracts, client letters, offers of settlement, contract negotiations, due diligence document inspection, court appearances on motions in bankruptcy court and circuit court, conducted and defended depositions, and managed the firm's garnishment practice. Towards the end of my third year with Lewis and Roca, I declined an offer

from what is now the Bowen School of Law and accepted an offer from Memphis State School of Law, now the University of Memphis, to join its law faculty in August of 1986.

4. After more than 32 years of law teaching, I retired on May 15, 2018, from my position as the Charles C. Baum Distinguished Professor of Law at the Bowen School of Law. I am a member of the ALI, former chair of the UCC Article 1 Subcommittee of the American Bar Association Section on Business Law, and former board member of the American Society of Comparative Law. During my extensive teaching career, I taught Conflict in Laws; Contracts; International Business Transactions; Sales Transactions, UCC Articles 2, 2A, and the International Convention on the Sale of Goods; Payment Systems, UCC Articles, 4, 4A, & 5; Suretyship, and Agency & Partnership. The citations to my scholarly work by federal and state courts establish my ability to resolve cutting edge legal issues and complex legal problems, the soundness of my thought processes, and the respect my ideas have generated over the years. These citations include: *Diperna v. Icon Health and Fitness, Inc.*, 491 Fed. Appx. 904 (10th Cir. Ct. App. 2012); *Stokes v. Southern States Co-op, Inc.*, 651 F.3d 911 (8th Cir. 2011); *All-Ways Logistics, Inc. v. USA Truck, Inc.*, 583 F.3d 511 (8th Cir. 2009); *Diaz-Amador v. Wells Fargo Home Mortgages*, 856 F.Supp.2d 1074 (D. Ariz. 2012); *Kennedy v. Boles Investments, Inc.*, 53 So.3d 60 (Ala. 2010); *Lewistown Miller Const. Co., Inc. v. Martin*, 363 Mont. 208, 271 P.3d 48 (2011); *Helton v. Phillip A. Glick Plumbing, Inc.*, 672 S.E.2d 842 (Va. 2009); *Carder Buick-Olds Co. v. Wooten*, 308 S.W.3d 156 (Ark. App. 2009); *Palmer v. Murphy*, 2004 WL 1166592 (Cal. App. 2004); *Brown v. Sol*, 2004 WL 2165638 (Conn. Super. 2004); *Kaye v. Wilson-Gaskins*, 135 A.3d 892, 227 Md. App. 660 (Md. Ct. Spec. App. 2016); *Barufaldi v. Ocean City, Chamber of Commerce, Inc.*, 7 A.3d 643 (Md. Ct. Spec. App. 2010).

5. After my retirement in 2018, I returned to the full-time practice of law and launched Sarah Howard Jenkins, PLLC. My practice has focused on employment discrimination, wrongful termination of employment contracts, and commercial litigation. I had the honor of collaborating with Attorney John Walker for nine months on a wrongful termination matter and a contract dispute before his untimely death in 2019. I am licensed to practice law and in good standing in the states of Arizona and Arkansas. I am requesting \$365/hour for my representation of Dr. Janice Warren in this case. This rate is reasonable and commensurate with my experience and qualifications. This rate is comparable to that received by other attorneys in the Pulaski County area who possess the same persuasive writing, trial logistical skills, and trial advocacy skills I possess. My recent success in this case supports a conclusion that my skills and abilities are comparable. I am requesting compensation for 2097 hours and 51 minutes. At the requested rate of \$365.00 per hour, my requested fee is \$765,715.25. The requested costs are \$14,190.79.

5. The foregoing statements are true and accurate to the best of my knowledge, records, information, and belief.

The affiant sayeth nothing further.



Sarah Howard Jenkins
Ark. Bar No. 97046 Ms. Jenkins



State of Arkansas | County of Pulaski
Subscribed and sworn before me
on this 19th day of May 2023
Signature of Notary Public Therese M Cheatham
My commission expires 06/23/2025

Therese M Cheatham
notary, Pulaski County, AR